

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 16-1846

Dakotas and Western Minnesota Electrical Industry Health and Welfare Fund, by Randy Stainbrook and Edward Christian, in their representative capacity as Trustees, and each of their successors

Plaintiff - Appellee

v.

First Agency, Inc.; Guarantee Trust Life Insurance Company

Defendants - Appellants

No: 16-3319

Dakotas and Western Minnesota Electrical Industry Health and Welfare Fund, by Randy Stainbrook and Edward Christian, in their representative capacity as Trustees, and each of their successors

Plaintiff - Appellee

v.

First Agency, Inc.; Guarantee Trust Life Insurance Company

Defendants - Appellants

No: 16-3375

Dakotas and Western Minnesota Electrical Industry Health and Welfare Fund, by Randy Stainbrook and Edward Christian, in their representative capacity as Trustees, and each of their successors

Plaintiff - Appellant

v.

First Agency, Inc.; Guarantee Trust Life Insurance Company

Defendants - Appellees

Appeal from U.S. District Court for the District of North Dakota - Fargo
(3:15-cv-00067-RRE)
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(3:15-cv-00067-RRE)

JUDGMENT

Before LOKEN, COLLOTON and KELLY, Circuit Judges.

These appeals from the United States District Court were submitted on the record of the district court, briefs of the parties and were argued by counsel.

After consideration, it is hereby ordered and adjudged that the Order of the district court entered March 11, 2016 is affirmed, the Order of the district court entered July 15, 2016 is reversed, and the case is remanded to the district court for proceedings consistent with the opinion of this court.

August 03, 2017

Order Entered in Accordance with Opinion:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans